

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GUILLERMO TRUJILLO CRUZ,

Case No. 2:18-cv-00693-RFB-VCF

Plaintiff,

ORDER

V.

B. SMITH, *et al.*,

Defendants.

I. DISCUSSION

On April 16, 2018, Plaintiff, who is a prisoner in California, filed an application to proceed *in forma pauperis* and submitted an affidavit with exhibits. (ECF No. 1, 1-1). Plaintiff did not file a complaint in this matter.

On April 19, 2018, the Court ordered Plaintiff to submit a complaint to the Court within thirty days and warned him that the failure to timely comply with that order might result in the dismissal of this case. (ECF No. 2 at 2). The thirty-day period expired and Plaintiff did not file a complaint. Because Plaintiff did not file a complaint in this matter, on May 31, 2018, the Court dismissed the case without prejudice and denied the application to proceed *in forma pauperis* as moot. (ECF No. 3).

On June 18, 2018, Plaintiff responded to the dismissal by filing a document he entitled "Notice of Action." (ECF No. 5). Plaintiff states that the defendant in the instant case was joined in case number 1:17-cv-00789-AWI-GSA-PC, and he asks the court to

1 correct the error. (*Id.* at 1.) The Court construes this document as a motion for
2 reconsideration of its order dismissing the case.
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4 A motion to reconsider must set forth “some valid reason why the court should
5 reconsider its prior decision” and set “forth facts or law of a strongly convincing nature to
6 persuade the court to reverse its prior decision.” *Frasure v. United States*, 256 F.Supp.2d
7 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this Court “(1) is presented
8 with newly discovered evidence, (2) committed clear error or the initial decision was
9 manifestly unjust, or (3) if there is an intervening change in controlling law.” *Sch. Dist.*
10 *No. 1J v. Acands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

11 The Court finds that there are no grounds for reconsideration. When Plaintiff filed
12 his application to proceed *in forma pauperis*, he indicated that he was filing a new case.
13 (ECF No. 1 at 1.) Furthermore, the case number that Plaintiff references in his most
14 recent filing is not a case in the District of Nevada. Accordingly, the Court denies the
15 motion for reconsideration.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that the motion for reconsideration is
18 denied.
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20 DATED this 25th day of June, 2018.
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23 RICHARD F. BOULARE, II
24 UNITED STATES DISTRICT JUDGE
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